

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

AARON FLEMONS

PLAINTIFF

v.

Civil No. 2:16-CV-02037

JOHN DEVANE, *et. al.*

DEFENDANT

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2011), the Honorable P. K. Holmes, III, Chief United States District Judge, referred this case to the undersigned for the purpose of making a Report and Recommendation.

Currently before the Court is the issue of service related to the following Defendants: Shift Supervisor Steele, Deputy Hobbs, Deputy Woods, L.P.N. S. Overstreet, Deputy Bunn, Deputy Fuller, and Deputy Lindberg. After careful consideration, I make the following Report and Recommendation.

Service for these Defendants was returned unexecuted. On October 2, 2017, the Court entered an Order directing Plaintiff to provide the Court with sufficient information to identify and serve these Defendants by October 20, 2017. (ECF No. 47). It is Plaintiff's responsibility to provide the Court with an address for proper service on Defendants. *See Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993). Plaintiff has not provided the Court with any additional addresses or identifying information to use in serving these Defendants.

For the foregoing reasons, I recommend Shift Supervisor Steele, Deputy Hobbs, Deputy

Woods, L.P.N. S. Overstreet, Deputy Bunn, Deputy Fuller, and Deputy Lindberg be **DISMISSED** from this action without prejudice.

The parties have fourteen days from receipt of the Report and Recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 18th day of December 2017.

/s/ Mark E. Ford

HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE